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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,486

02/24/2004

Robert Levin

SES 2539.1.1

6761

2147 7590 02/10/2009  
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EXAMINER

COLLINS, DOLORES R

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

02/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/787,486  
Filing Date: February 24, 2004  
Appellant(s): LEVIN, ROBERT

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Grace Fishel  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/22/08 & 11/18/08 appealing from the  
Office action mailed 4/22/08.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

3,678,602	Alam	7-1972
3,935,651	Mankoff et al.	2-1976

Claims 1 & 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alam (602) in view of Mankoff et al. (651).

Alam discloses Vocabulary Building Game Cards.

Regarding claims 1 & 3, Alam teaches a vocabulary building exercise using words (see abstract and claim 1), identifying a first expression (before) obscuring it (card face down) and presenting a lesser-known word to form a second expression (pre) and a means for scoring in the form of a scoring system (col. 4, lines 63 - 67). Alam fails to explicitly teach providing one or more definitions of the lesser known word(s). Mankoff discloses Vocabulary Playing Cards. Mankoff teaches vocabulary building cards with words and definitions, which are used to decipher the vocabulary word (see abstract, claim 1 and col. 2, lines 29-68). It would have been obvious to modify Alam in view of Mankoff to provide multiple choices for the players.

#### *Response to Arguments*

*Applicant's invention is rejected under 103 U.S.C. 103(a). The examiner maintains the rejection since obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, where Alam fails, Mankoff teaches his*

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*short fall. Mankoff teaches vocabulary building cards with words and definitions, which are used to decipher the vocabulary word (see abstract, claim 1 and col. 2, lines 29-68). A modification of Alam in view of Mankoff would provide multiple choices for the players.*

Further, examiner maintains that identifying a first expression(s) e.g., *Before or Tend then* Presenting a second lesser known expression(s), *pre* or *To stretch* (respectively) is no different from applicant's method since *The first expression is also obscured from the student (as in applicant's e.g., Tiger Woods) because the second expression is on the opposing side of the first expression thus only the second side can be viewed by the student at this juncture. The applied prior art reads on the claimed invention in the broadest, reasonable manner.*

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dolores R. Collins/

Examiner, Art Unit 3711

Conferees:

/Gene Kim/

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